

REMARKS

In response to the Office Action dated September 17, 2003, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

At the outset, Applicants and the undersigned express their appreciation to Examiner Zimmerman for the courtesies extended during the telephonic interview of November 14, 2003.

In the Office Action, Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application 2002/077111 to Spaling et al. Applicants respectfully traverse the claim rejections as follows.

Claims 1, 9, 13 and 17

Applicants submit that the Spaling reference does not anticipate independent claims 1, 9, 13 and 17 because Spaling does not teach or disclose all of the elements of claims 1, 9, 13 and 17 for at least the following reasons.

Applicants submit that Spaling does not teach, among other things, “monitoring for occurrences of paging congestion” as recited in claims 1, 9, 13 and 17. Instead, Spaling discloses “determining the load condition of a cell.” *See* Spaling at ¶ 15. Applicants submit that the load condition of a cell is not equivalent to the state of paging congestion for at least two reasons. First, a congested load condition of a cell does not necessarily imply high paging congestion. For example, if a cell handles a high volume of connections, but those connections have low data content, then the cell would experience high paging congestion, but a light load condition.

→ no support in spec for this claim

Second, a change in load condition of a cell is not necessarily proportional a change in page congestion. For example, if a cell adds a small number of new connections, and those connections are data intensive, there will be a small change in paging congestion, but a disproportionately large change in the load condition of the cell.

Applicants also submit that Spaling does not teach, among other things, monitoring "between the switch and the cell site." On the contrary, Spaling merely teaches monitoring between a cell site and a mobile device. *See* Spaling at ¶ 35.
*See Jv
reg*

Claims 2-8, 10-12, 14-16 and 18-20:

Applicants respectfully traverse the rejections of claims 2-8, 10-12, 14-16 and 18-20. Applicants submit that claims 2-8, 10-12, 14-16 and 18-20 are allowable by virtue of their dependence from independent claims 1, 9, 13, and 17 as well as their own merit.

CONCLUSION

Applicants respectfully request a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

Date: 11/5/04



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